

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

FRED WATSON,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:17-cv-2187
)	
CITY OF FERGUSON, MISSOURI, et al.)	
)	
Defendants.)	

**SUPPLEMENTAL MATERIAL FOR DEFENDANTS' JOINT STATEMENT OF
UNDISPUTED MATERIAL FACTS**

COMES NOW Defendant City of Ferguson and hereby submits supplemental material for Defendants' Joint Statement of Undisputed Material Facts (Doc. #129), that is, the certification of City Code 44-1, which was attached as Exhibit 15 to the Defendants' Joint Statement of Undisputed Material Facts (Doc. #129-11).

Respectfully submitted,

LEWIS RICE LLC

By: /s/ Ronald A. Norwood
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Attorneys for Defendants City of Ferguson

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 28th day of June, 2019, a true copy hereof was electronically filed with the Clerk of the Court using the CM/ECF system, to be served by operation of the Court's electronic filing system on all counsel of record.

/s/ Ronald A. Norwood

Exhibit 15



CITY OF FERGUSON

MISSOURI 63135

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)
)
CITY OF FERGUSON)

I, Octavia Pittman, City Clerk of the City of Ferguson, St. Louis County, Missouri, do hereby certify that the attached constitutes a full, true and correct copy of Ferguson's Municipal Code of the City of Ferguson, Missouri, Section 44.1, (Definitions) Traffic and Motor Vehicles, passed by the City Council and in full force and effect as noted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Ferguson, St. Louis County, Missouri, this 10th day of June, 2019.

Octavia Pittman, City Clerk
City of Ferguson, Missouri

SEAL:



CITY HALL
110 Church St.
(314) 521-7721
FAX # (314) 524-5173

CLERK of COURT
222 S. Florissant Rd.
(314) 524-5264
FAX # (314) 524-4127

POLICE
DEPARTMENT
222 S. Florissant Rd.
(314) 522-3100
FAX # (314) 524-5290

FIRE
DEPARTMENT
200 S. Florissant Rd.
(314) 522-1122
FAX # (314) 521-9213

RECREATION
DEPARTMENT
1050 Smith Ave.
(314) 521-4661
FAX # (314) 524-5077

MUNICIPAL
GARAGE
901 Ferguson Ave.
(314) 521-8373
FAX # (314) 521-5165

Sec. 44-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley or *alleyway* shall mean any street with a roadway of less than twenty (20) feet in width.

Authorized emergency vehicle shall mean a vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the state highway patrol, police or fire department, sheriff or constable or deputy sheriff, traffic officer or any privately owned vehicle operated as an ambulance when responding to emergency calls.

Bicycle shall mean every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, except scooters and similar devices.

Bus shall mean any vehicle or motorcar designed and used for the purpose of carrying more than seven (7) persons.

Business district shall mean the territory contiguous to and including a highway when within any six hundred (600) feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

Central business or *traffic district* shall mean all streets and portions of streets within the area described by city ordinance as such.

Commercial vehicle shall mean any vehicle that is for hire and is designated, maintained, or used for the delivery or transportation of freight, merchandise, property, tools, or other equipment for hire. It shall also include vehicles for hire for the transportation of persons for a fee or other consideration. It shall not include station wagons, pick up trucks, vans, or other similar vehicles unless said vehicles are, in fact, used for the delivery or transportation of freight, merchandise, property, tools, other equipment used for hire, or the transportation of persons for a fee or other consideration.

Congested district shall mean any district lawfully designated by this chapter as a "congested district."

Controlled-access highway shall mean every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

Crosswalk shall mean:

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway.
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Curb shall mean the lateral boundaries of that portion of a street designated for the use of vehicles, whether marked with curbstones or not.

Curb loading zone shall mean a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Driver shall mean every person who drives or is in actual physical control of a vehicle.

Freight curb loading zone shall mean a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

Highway shall mean every way or place open for vehicular travel by the public and regardless of whether it has been legally established by constituted authority or used for the statutory period of time as a public highway.

Improved street or highway shall mean a street or highway which has been paved with gravel, macadam, concrete, brick or asphalt, or improved in any manner by adding material or substance so as to present a surface other than the original earth surface.

Intersection shall mean:

- (1) The area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (2) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of any such highways shall be regarded as a separate intersection.

Laned roadway shall mean a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

Live load shall mean the weight of the cargo of a commercial vehicle, in addition to that of the chassis and body of the vehicle.

Motor vehicle shall mean any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.

Motorcycle shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

Motorized bicycle shall mean any two-wheeled or three-wheeled device having fully operative pedals capable of propulsion by human power, an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than two (2) gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground.

Official time standard. Whenever certain hours are named herein, they shall mean standard time or daylight-saving time as may be in current use in the city.

Official traffic-control devices shall mean all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

One-way street shall mean a street where vehicles are required to move in one (1) direction only.

Operator shall mean any person who is in actual physical control of a vehicle.

Park or parking shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Passenger curb loading zone shall mean a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Pedestrian shall mean any person afoot.

Pneumatic tires shall mean tires of rubber or other substance and fabric, inflated with air.

Police officer shall mean every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road or driveway shall mean every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Railroad shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

Railroad train shall mean a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

Residence district shall mean the territory contiguous to and including a highway not comprising a business district when the property on any such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

Right-of-way shall mean the right of a vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Roadway shall mean that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone shall mean the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

School zone shall mean a space in any street lawfully designated by ordinance for the safety of persons going to and returning from public, private or parochial schools.

Sidewalk shall mean that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

Solid tires shall mean tires of rubber or other resilient material, other than pneumatic tires.

Stand or standing shall mean the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

State highway shall mean a highway maintained by this state as a part of the state highway system.

Stop, when required, shall mean complete cessation from movement.

Stop or stopping, when prohibited, shall mean any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Street or highway shall mean every way or place open for vehicular travel by the public and regardless of whether it has been legally established by constituted authority or used for the statutory period of time as a public highway.

Taxicab shall mean a motor vehicle other than a motor bus or service car offered for or engaged in carrying passengers for hire.

Through highway shall mean every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on any such through highway in obedience to either a stop sign or a yield sign, when any such signs are erected as provided in this chapter.

Tractor shall mean any motor vehicle designed primarily for agricultural use or used as a traveling power plant or for drawing other vehicles or farm or road-building implements and having no provision for carrying loads independently.

Traffic shall mean pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any street for purposes of travel.

Traffic-control signal shall mean any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and proceed.

Traffic division shall mean the traffic division of the police department of the city.

Trailer shall mean any vehicle without motive power designed for carrying passengers or property on its own structure for being drawn by any vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type, so designed and used in connection with any vehicle that a considerable part of its own weight rests

upon and is carried by the towing vehicle.

Truck shall mean any vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed or used in the transportation of property upon the highways.

Vehicle shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting motorized bicycles and devices moved by human power or used exclusively upon stationary rails or tracks.

(Code 1974, §§ 42.01, 42.92.1; Ord. No. 93-2639, § 1, 6-22-93)

State law reference— Similar definitions, RSMo 300.010, 304.044(1), (2), 307.180.

Cross reference— Definitions and rules of construction generally, § 1-2.